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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/829,398

04/22/2004

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1510750.0006

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1059 7590 03/12/2008

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EXAMINER

DHILLON, MANJOT K

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

03/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/829,398 | Applicant(s) AKRAM ET AL. | |
| | Examiner MANJOT K. DHILLON | Art Unit 3714 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/17/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 14-24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 1/9/08.
2. Applicant's election without traverse of Group II claims 2-13 in the reply filed on 1/9/08 is acknowledged.

Response to Amendment

3. This office action is in response to applicant's response filed on 1/9/08. Applicant amends claims 1-5, cancels claims 14-24, and adds claim 25. Claims 1-13 and 25 are pending.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 25 and 1 are rejected under 35 U.S.C. 102(b) as being anticipated by Carter, SR. (US Pub. No. 2002/0147049 A1).

Concerning claim 25, Carter teaches a method for wireless gaming using a wireless terminal over a wireless network **[Abstract]**, comprising: determining and

recording that a player is generally authorized to engage in lottery games **[0037/0038]**; verifying that the player is authorized to engage in lottery games when providing new prepaid credit to be maintained in a prepaid credit account associated with the player **[0013]**; requiring entry of a personal identification number to authorize access to said prepaid credit account **[0037/0038/0041/0042]**; requiring entry of an access code into said wireless terminal to authorize access to a wireless lottery gateway of the wireless network **[0043]**; determining a geographic location of the player **[0015/0043]**; and providing access to play one or more lottery games via the wireless lottery gateway, based on: said recorded determination that the player is generally authorized to engage in lottery games **[0037/0038/0041/0042]**, said determined location of the player **[0015/0043/0049]**, and an amount available in said prepaid credit account **[0013]**.

Concerning claim 1, Carter teaches for wireless gaming using a wireless terminal over a wireless network, said method comprising: the determining and recording that the player is generally authorized to engage in lottery games comprises verifying and recording the player's age when providing general authorization to access the wireless lottery gateway **[0037/0038/0041/0042]**; the verifying that the player is authorized to engage in lottery games when providing new prepaid credit comprises verifying the player's age when providing the new prepaid credit **[0013/0037/0038/0041/0042]**; the determining of the geographic location of the player is based on the location of the wireless terminal **[0015/0043/0049]**; and the method further comprises notifying the player when they have won **[0013/0047]**; and providing means for the player to verify that the player has won by at least one of: presentation of a prepaid credit account

number used to play a winning game and the associated personal identification number **[0013/0037/0038/0041/0042/0047]**; presentation of a reference number provided with a winning notification and the wireless terminal used to play the lottery game; and presentation of a photo identification and wireless network account information for verifying ownership of the wireless terminal used to play the lottery game.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 2-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter, SR. (US Pub. No. 2002/0147049 A1) in view of Carson (US 6134309).

Concerning claim 2, Carter teaches for wireless gaming over a wireless network, said method comprising: providing a registry of new prepaid credit, each prepaid credit including the personal identification number required to authorize access to the new

prepaid credit and having a predetermined value, where, the verifying that the player is authorized to engage in lottery games when providing new prepaid credit

[0013/0037/0038/0041/0042], the player is generally authorized to engage in said lottery games; and the providing access to play one or more lottery games via the wireless lottery gateway based on an amount available in said prepaid credit account comprises **[0013/0037/0038/0041/0042/0047]**: determining if an amount is available in said prepaid credit account and determining if said amount is sufficient for game play **[0013/0047]** by placing the predetermined value into the prepaid credit account associated with the player and repeating said determining if said amount is sufficient for game play **[0013/0047]**. Carter teaches providing credit into the account via credit card **[0033]**, however is silent on a specific lotto card. Using a pre-paid card instead of a credit card to place credit into an account is well known and considered design choice to one of ordinary skill in the art.

Furthermore, Carson teaches providing a registry of lotto cards representing new prepaid credit **[column 4, lines 35-50]**, each lotto card including a lotto card number and the personal identification number required to authorize access to the new prepaid credit and having a predetermined value **[column 4, lines 35-50]**, and the providing access to play one or more lottery games via the wireless lottery gateway based on an amount available in said prepaid credit account comprises **[column 7, lines 15-43 and 57-67]**: determining if an amount is available in said prepaid credit account and determining if said amount is sufficient for game play; and lotto card number having

value available has been registered for said wireless terminal **[column 7, line 15-
column 8, line 60]**.

Carter teaches adding wagers through a credit card **[0033]**. If said amount is not sufficient for game play, requesting entry of a lotto card number having value available and the personal identification number associated therewith, verifying said lotto card number and personal identification number and registering said lotto card number for said wireless terminal by placing the predetermined value into the prepaid credit account associated with the player and repeating said determining if said amount is sufficient for game play is design choice and considered obvious. Requesting entry of an additional card to add value to place is wager is well known is therefore obvious.

It would be obvious to one of ordinary skill in the art to use the physical pre-paid lotto cards as disclosed by Carson with the wireless mobile gaming system as disclosed by Carter to allow mobile access of wagering games without the use of a credit card. Furthermore, all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Concerning claim 3, Carter teaches wherein said determining and recording that the player is generally authorized to engage in said lottery games comprises determining and recording said player's age **[0037/0038/0041/0042]**.

Concerning claim 4, Carter teaches wherein said wireless lottery, game provider is subject to governmental regulation **[0037/0038/0041/0042-0044/0049]**.

Concerning claim 5, Carter teaches wherein said providing access to play one or more lottery games comprises: receiving information regarding a game to be played and information required for the game; communicating the game to be played and the information required for the game to a lottery server of lottery game provider; receiving confirmation information of the game played and the information transmitted from said lottery server; and recording said confirmation information in a database related to said account credit **[0013/0043-0047]**. Lotto card is an obvious variation to credit in an account.

Concerning claim 6, Carter teaches communicating said confirmation to said wireless terminal **[0043-0047]**.

Concerning claim 7, Carter teaches receiving information about winning plays from a lottery provider; and informing a winning player of their winning **[0013/0037/0038/0041/0042/0047]**.

Concerning claim 8, periodically reminding said winning player to collect their winnings is similar to reminders being set in mobile phones and therefore is well known in the art and considered design choice.

Concerning claim 9, Carter teaches providing the lottery provider with information for verifying an identity of said winning player **[0037/0038/0041/0042]**.

Concerning claim 10, Carter teaches said winning player verifies their win to the lottery provider by at least one of: presentation of a prepaid credit account number used to play the winning game and the associated personal identification number **[0013/0037/0038/0041/0042/0047]**; presentation of a reference number provided with

winning notification and said wireless terminal used to play the lottery game; and presentation of photo identification and wireless network account information. Using a lotto card instead of a prepaid credit account number is obvious and considered design choice.

Concerning claim 11, Carter teaches wherein said wireless terminal is provisioned for game play by an authorized dealer at the time said wireless terminal is first provided to said player **[0043-0049]**.

Concerning claim 12, it is well known in the art wherein said access code can be changed by said player and is considered design choice.

Concerning claim 13, it is well known in the art wherein said lottery application program comprises a graphical user interface, especially since most mobile phones contain graphical user interfaces.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MANJOT K. DHILLON whose telephone number is (571)270-1297. The examiner can normally be reached on Mon. - Thurs., 7 AM - 6 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/
Supervisory Patent Examiner, Art Unit 3714

Robert E. Pezzuto
Examiner
Art Unit 3714

/M. K. D./
Examiner, Art Unit 3714